

REMARKS

By this Amendment, claims 1 and 9 have been amended. Claims 1-2 and 4-12 are pending in the present application.

Claims 1-2 and 4-8 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claim 1 has been amended to delete the phrase "opens a channel to a communication network." Claim 1 now recites subject matter which is described exactly and identically in paragraph [37] of the specification. See also paragraph [44]. Withdrawal of this rejection is earnestly solicited.

Claim 9 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 has been amended to recite a method for accessing training information relating to a surgical technique, rather than a method for training a user to perform a surgical technique. Accordingly, applicant submits that claim 9, as amend complies with 35 U.S.C. 112.

Claim 9 has been rejected under 35 U.S.C. 102(e) as anticipated by Pellegrino et al. (U.S. Patent No. 6,149,441). Claims 1, 2 and 4-8 have been rejected under 35 U.S.C. 103(a) as unpatentable over Ramshaw et al. (U.S. Patent No. 5,791,907) in view of Ceretta et al. (U.S. Patent No. 6,370,355 B1). Claims 10 and 12 have been rejected under 35 U.S.C. 103(a) as unpatentable over Pellegrino et al. (U.S. Patent No. 6,149,441). Claim 11 has been rejected under 35 U.S.C. 103(a) as unpatentable over Pellegrino et al. (U.S. Patent No. 6,149,441) in view of Hitchcock et al. (U.S. Patent No. 5,823,781).

In response to the foregoing rejections, independent claims 1 and 9 have been amended to recite that the information on the surgical technique is provided on a compact disk, and that the interactive template on the compact disk provides a link to the company's website. Neither Ramshaw nor Ceretta (nor any of the secondary references cited by the Examiner) disclose or suggest this unique feature of the present invention.

The Examiner's position that this is "an old-and-well known practice in the field of software distribution" does not cut it. The Examiner is required to cite a reference. Applicant is not aware of the existence of any training CD, prior to the date of applicant's invention, which contains an interactive template relating to a surgical technique, and which also contains a link to the website of the company to allow the user to access the website for further information about the company or the products/training relating to the surgical technique. In order to properly maintain the rejection, the Examiner must cite a reference showing this specific feature in connection with a surgical technique training CD.

In addition to the foregoing, Applicant reiterates that Ramshaw's "perform surgery" does not initiate a surgical animation, but rather presents a recorded actual video of the surgery. Animation, as stated by the Examiner, provides an "illusion" of movement. Video is actual footage of the surgery, and is much less clear (and thus, less effective as a training tool in such circumstances). See the attached definitions. Again, applicant is not aware of any CD, prior to the date of applicant's invention, which contains an interactive template relating to a surgical technique, and which includes an animated demonstration of the surgical technique at issue. The Examiner is urged to consider the invention as whole, as mandated by 35 U.S.C. 103.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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